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SUBJECT: COUNTERTERRORISM IN BRAZIL: JUDGE BLASTS
GOVERNMENT'S WEAK EFFORTS

REF: A. BRASILIA 1315
[1](#)B. BRASILIA 1910

[1](#)1. (SBU) Summary: During a conference on international organized crime held by the Brazil-based International Forum of Justice in Campo Grande, Matto Grosso do Sul from October 15-17, federal judge Odilon de Oliveira delivered a speech that was blistering in its criticism of the Brazilian government's lax posture on confronting terrorism, citing as examples the failure to pass anti-terrorism legislation, refusing to treat the Sao Paulo based PCC (First Capital Command) and other gangs, as well as Hizballah and FARC, as terrorist groups and turning a blind eye to their activities abroad as well as domestically (see septel for additional reporting on the conference). Oliveira and his efforts to fight international organized crime in Matto Grosso do Sul -- which sees the trafficking of guns and drugs across the state's borders with Paraguay and Bolivia regularly -- have gained him immense respect in Brazil and made him an effective advocate for a vigorous response from the government and society against the global threat of terrorism, one whom Post is already working with to spread his message and expertise more broadly within Brazil. End summary.

A Lonely Battle Against Terrorism, Money Laundering

[1](#)2. (SBU) Before his presentation polooff and Embassy's Resident Legal Advisor (RLA) spoke to Oliveira, who spoke briefly about his disappointment with recent criticism of his work and that of the money laundering courts, by Supreme Court (STF) president Gilmar Mendes (ref A), who compared the courts to militias because they working together with prosecutors and special federal police units, something Mendes considers inappropriate. Oliveira thought the money laundering courts were one of the most effective tools Brazil has for fighting organized crime and terrorism, and that only by working in conjunction with the other elements of the law enforcement community could they be effective, particularly as Brazil lacks other legal tools to fight terrorism, such as an anti-terrorism law. He took Mendes criticism to be another indication that in Brazil those pursuing criminals have a higher chance of being punished than the criminals themselves.

13. (SBU) With regards to money laundering, RLA raised the possibility of working together to put together a training course for the 27 judges in Brazil who specialize in money laundering, perhaps bringing in judges from Argentina and Paraguay. Oliveira indicated he would support such an effort and pledged to participate in it.

Brazil is Turning a Blind Eye

14. (U) Judge de Oliveira started his presentation -- which was held before a crowd of Brazilian and international prosecutors and judges, Brazilian police officers from several states, local law school students, and hundreds of cadets from the state military police academy -- by defining terrorism as "the illegal use of physical violence or psychological intimidation against the state, authorities, or population motivated by religious, nationalist, moral or ethnic reasons." In addition to categorizing the different terrorist groups around the world, such as Al-Qaida, Hizballah, HAMAS, and FARC, according to their motivation, he, interestingly, added a kind of terrorism he called "administrative terrorism", that encompasses gangs such as the PCC, that seek to attack or replace the repressive police state.

15. (U) Unfortunately, according to judge Oliveira, Brazilian national leaders continue to ignore the reality that there is evidence that all of the groups mentioned, in fact, had or continue to have, a presence in Brazil. He observed that,

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while Brazilian leaders have approved international anti-terrorism conventions they did so only as a sop to the international community, not because Brazilians believe in the threat. "If the government is truly concerned about the threat", he noted, "why is there no anti-terrorism law?" He further called on the Brazilian government to pass legislation to rectify this situation, adding, "how is it possible that we have not updated the only law we have against terrorism, which dates to 1984, a time of military dictatorship?" Further he added, "we have an inadequate money laundering law that Brazil only grudgingly passed after ten years of pressure from the international community."

There is terrorism in Brazil, both domestic and international

16. (U) Oliveira also noted what to him was the astounding contrast between Brazil's refusal to recognize the threat with his observation that Brazil, in fact, "has a tradition of terrorism within its borders". Noted Oliveira, "there is extensive evidence of terrorist activity in Brazil," adding, "I personally judged cases of individuals linked to terrorist organizations such as Hizballah involved in identity document fraud and various financial crimes." He further noted that terrorists involved in various attacks have been in Brazil, including Marwan al Safadi, who participated in the 1993 World Trade Center bombing, and 9-11 mastermind Khalid Sheykh Mohammed. "How can it be that their presence in Brazil fails to move Brazil to action" he protested, "even after knowing that (the latter) was responsible for twenty Brazilians losing their lives in the September 11 attacks."

17. (U) Oliveira then showed powerful emotional newsreel footage that visibly disturbed the attendees showing the aftermath of terrorist acts, including beheadings, the attacks in Iraq that killed Brazilian diplomat Sergio Viera de Mello, and attacks conducted by the PCC in Sao Paulo in 2006. After showing a clip of the aftermath of the 1994 AMIA bombing, de Oliveira asked, "if Hizballah can attack in Argentina, why couldn't they attack in Brasilia? We know they already operate in Brazil and yet we have no solidarity with our Argentine brothers and refuse to identify Hizballah as a

terrorist group."

18. (U) He also criticized the government for failing to stand in solidarity with Colombia, another Latin American country who has suffered from the scourge of terrorism. According to Oliveira, "Colombia was right when it conducted an attack along the border with Ecuador against Raul Reyes, and Brazil should have recognized Colombia's right to defend itself." But, on the contrary, Brazil is "timid and merciful when it comes to terrorists." Observing that the FARC has a presence in Brazil (and showing a newsreel of a Brazilian along the border with Colombia who claimed to witness FARC movements), he criticized Brazil for granting asylum to 475 FARC soldiers (56 during the Fernando Henrique Cardoso era and 411 during the Lula government). Calling it an insult to the victims of the group's terrorism, he also decried the asylum granted Francisco Antonio Cadena (see ref b for more on Cadena's asylum), FARC representative in Brazil, done with support from leftist political parties in Brazil who mobilized against his extradition to Colombia. Going further, he blasted the government for giving a job to Cadena's wife, Angela Maria Slongo (Note: According to various news reports, Slongo was nominated by the Office of the Presidency to a position in the Special Secretariat for Fisheries. End note.)

19. (U) He criticized what he sees as the government's ineffectual response to the threat from the PCC and other gangs in Brazil, who Brazil still treats with kid gloves, but which, as a result of their evolution from prison gangs into international criminal organizations that use terrorist tactics, merit more than business-as-usual countermeasures. (Note: In discussions with RLA at the margins of the conference, a Portuguese prosecutor who attended the conference noted that Brazil's gangs were operating in

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Portugal, and that Portugal would be looking for cooperation from Brazil and the United States in order to learn about the threat and how to confront it. End note.) The PCC committed over 1000 criminal actions, including killing 185 people, 115 of which were policemen, according to Oliveira. Today the group is increasingly active in this state, along the borders with Paraguay and Colombia, but the government is doing little about, he noted. (Note: three days before, on 14 October, Matto Grosso do Sul daily Folha do Povo reported that five Brazilian members of the PCC had been arrested in Paraguay, close to the border with Matto Grosso do Sul, for trafficking drugs into Brazil. End note.)

Recommendations

110. (U) Closing his presentation, judge Oliveira outlined a set of common sense and fairly easy to implement steps Brazil could take in order to step up its contribution to the fight against terrorism and implored Brazil's leaders to move forward on them: enforce Brazilian laws, particularly those dealing with money laundering and organized crime; enforce treaties; grant extraditions; enact anti-terrorism legislation; identify or designate terrorists groups; not associate in any way with members of terrorist groups; and finally, not grant asylum to terrorists.

Comment

111. (SBU) Our working-level relationship with our counterterrorism partners within Brazil's law-enforcement community continues to be excellent. It is nevertheless the case that at the policy levels Brazil does not see terrorism as a security issue for the country. Instead, Brazilian high-level officials couch their counterterrorism rhetoric in terms of solidarity with those who have suffered from

terrorist attacks and in terms of helping prevent the use of Brazilian territory for attacks in the United States. Brazil's failure to deal with terrorism as a matter of government policy can be attributed in part to the perception that terrorism is principally a U.S.-based problem, a belief that is in turn exacerbated by a dearth of independent Brazilian experts who can criticize the government's position without being seen as pawns of the United States. Judge Oliveira, on the other hand is one of a handful of people in Brazil who have thought seriously about issues related to terrorism and how they could impact Brazil. Poloff and RLA discussed and are already working with Oliveira to shed some light on the issues he raised in his presentation with different audiences within Brazil, through training courses and fora. He will be an important and powerful voice in Brazil that can be added to the project now under way -- with the help of the Counterterrorism Awareness Program, which sent two Brazilian International Visitors to the United States to meet with counterterrorism experts -- to create a critical mass of experts within Brazil who can argue, more effectively than post can, why Brazil also faces this global threat and why Brazil should take steps -- beyond the operational level -- to confront it. End comment.

SOBEL